

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SHELDON GORDON, et al.	:	Case No. 1:05CV2726
Plaintiffs,	:	
	:	JUDGE KATHLEEN O'MALLEY
	:	
v.	:	
	:	<u>OPINION AND ORDER</u>
DAVID DADANTE, et al.	:	
Defendants.	:	
	:	

Before the Court is Plaintiff Frank Regalbuto's ("Regalbuto") Memorandum in Response to Motion For Temporary Restraining Order (Doc. 225). In Mr. Regalbuto's Response, he asks the Court to refrain from conducting any further proceedings regarding the temporary restraining order issued against him on March 15, 2007 for a period of six (6) weeks, so that he may seek the advice of counsel. Mr. Regalbuto does not ask that the Temporary Restraining Order be dissolved and makes no claim that he will suffer any harm from a continuation of the current terms.

In light of Mr. Regalbuto's request that the Court delay further proceedings in this matter while he seeks counsel, the Court hereby cancels the Wednesday, March 21, 2007 hearing addressing whether to convert the Temporary Restraining Order described in the Court's previous Order to a Preliminary Injunction. That hearing is rescheduled for Wednesday, May 2, 2007 at 2:00 p.m. In light of this rescheduling, the Court finds good cause to extend the terms of the temporary restraining order so as

to correspond with Mr. Regalbuto's requested continuance. The Court notes, as it did at the original hearing on this matter, that the Temporary Restraining Order imposes no undue burden on Mr. Regalbuto, his family, and those acting in concert with them because it simply restrains acts of trespass – *i.e.*, acts that would be in violation of the law in any event. The Court notes, moreover, because this order was entered after notice and an opportunity to be heard, it is not subject to the time limits applicable to *ex parte* restraining orders. For these reasons, the terms of the **Temporary Restraining Order** issued on March 15, 2007 remain in effect until Mr. Regalbuto can be heard through counsel on Wednesday, May 2, 2007 at 2:00 p.m., to wit:

Frank Regalbuto, his family members, and any individual acting at Frank Regalbuto or his family members' behest or instruction (the "Restrained Parties") are **PROHIBITED** from entering onto the property or into the dwelling located at 773 Village Trail, Mayfield Village, Ohio without the prior written consent of the Receiver. The Restrained Parties are further **PROHIBITED** from accosting, addressing, contacting, or interfering with any potential purchasers of the aforementioned property.

IT IS SO ORDERED.

s/Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

Dated: March 20, 2007